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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,741	03/23/2004	Larry Schwartz	SALES 3.0-034 CIP CIP	2563
530	7590	03/24/2005	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			HURLEY, SHAUN R	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

5/1

<b>Office Action Summary</b>	<b>Application No.</b> 10/806,741	<b>Applicant(s)</b> SCHWARTZ, LARRY	
	<b>Examiner</b> Shaun R Hurley	<b>Art Unit</b> 3765	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13, 20, 22, 23, 29, 30 and 40-42 is/are rejected.
- 7) ☒ Claim(s) 14-19, 21, 24-28, 31-39 and 43-64 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/23/04, 11/01/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 13, 20, 22, 23, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowen, Jr. (6007911) in view of Gray (4897989).

Bowen teaches a woven panel (Abstract; fabric) comprising first and second yarns comprising foamed polymer material (Abstract; foamed; figure 1), each having a core of polymer material (foamed polymer material). While Bowen essentially teaches the invention as described, he fails to specifically teach each yarn being a plied yarn of foamed polymer material. Gray teaches that such plied yarns, as used in woven panels, are well known (Figure 1 shows structure of yarn as ply; abstract teaches use in pile fabric). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to utilize the foamed yarns of Bowen in a plied manner, in their woven fabric use, so as to provide added strength to the woven structure. Such a plied structure provides a bicomponent axial strength member, enabling each yarn to withstand more axial force, and as a result, strengthening the fabric itself. The ordinarily skilled artisan would have known this, and understood the benefits of using such a well known plied structure.

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3. Claims 30 and 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowen in view of Gray, as applied to claims 13, 20, 22, 23, and 29 above, and further in view of Knox et al (5807794).

The combination of Bowen in view of Gray essentially teaches the invention as discussed above, including the production of a woven fabric structure, but fails to specifically teach all its possible uses. Knox teaches us that it is well known to utilize textile cords in the production of furniture comprising frames and woven panels (First three lines of Background; Column 2 line 8 for woven). It would have been obvious to one of ordinary skill in the art at the time the invention was made, in this instance a chair maker, to utilize the woven panel as taught by the combination in a chair, as is taught as well known by Knox, so as to provide greater strength. The panel of the combination provides greater strength and resilience against elongation. The ordinarily skilled artisan would have understood this, and known to use the panel in the furniture of Knox, so as to prevent stretching and drooping of the panel due to constant wear and elongation.

#### ***Allowable Subject Matter***

4. Claims 14-19, 21, 24-28, 31-39, and 43-64 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Laureti (3353346) teaches what is well known in the foamed polymer yarn art.

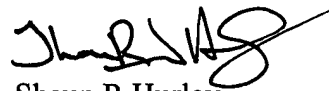
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaun R Hurley whose telephone number is (571) 272-4986. The examiner can normally be reached on Mon - Fri, 6:30 am - 3:00 pm, off second Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SRH  
21 March 2005

  
Shaun R Hurley  
Patent Examiner  
Tech Center 3700